Appl. No.:   09/751,187
Amdt. dated January 20, 2004
Reply to Office action of November 7, 2003

REMARKS/ARGUMENTS

Applicants received the Office Action dated November 7, 2003, in which the Examiner: (1) rejected claims 1, 7-10 and 19-20 as anticipated by Tamura (U.S. Patent No. 5,381,549); and (2) rejected claims 2-6 and 11-18 as obvious over Tamura in view of Biondi (U.S. Patent No. 6,622,246). In this Response, Applicants amend claims 1, 10, and 20 and submit new claims 21-23. Based on the arguments and amendments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

Tamura is directed to an information processing apparatus that loads an operating system either from a read only memory ("ROM") or from a secondary storage unit such as a floppy disk. As described in Tamura's Abstract and columns 2 and 3, Tamura's system loads an operating system from ROM unless an operating system is present on the floppy disk. If the operating system is present on the floppy disk, the system loads the operating system from the floppy disk and runs that version instead of the version stored on the ROM.

Claim 1 is directed to a system having an "original boot block" which "checks for a secondary boot block." It is well known that a boot block is not an instance of an operating system. Rather, a boot block comprises code that permits a computer to begin the boot-up process so that the operating system (which comprises separate executable code) can be loaded. Without a boot block, the computer cannot be initialized and the operating system cannot be loaded.

Applicants amend claim 1 to clarify this distinction. As amended, claim 1 specifies that the "original and second boot blocks are each adapted to perform at least a portion of an initialization of the computer system and then to pass control to an operating system." Tamura only discloses loading and running an operating system and is silent with regard to any boot blocks. Tamura does not address, mention, or even hint at boot blocks. Biondi discloses only a single boot code (boot code space 542 in Figure 3) and thus does not satisfy this deficiency. At least for this reason, claim 1 and all claims that depend from claim 1 are allowable over the art of record.

117024.01/1662.34000   Page 6 of 8

Appl. No.:   09/751,187
Amdt. dated January 20, 2004
Reply to Office action of November 7, 2003

Method claim 10 was amended in a fashion similar to that of claim 1 and is patentable at least for the same reason as claim 1. Claims 11-19 depend on or from claim 10 and thus are patentable at least for the same reason as claim 10.

Applicants amend claim 20 in several regards. First, Applicants broadened the claim by removing all references to a "power supply." The power supply limitation is not deemed necessary for patentability. Second, the reference to "startup memory" has been replaced by "read only memory." Third, the limitation that "the startup memory is available on power up of the system" has been removed as not considered necessary for patentability. Fourth, the limitation in which the original boot block checks for a secondary boot block has been replaced. The new limitation is that the system comprises "a first boot block stored in the ROM and, if a second boot block is also stored in the ROM, control passes from the first boot block to the second boot block for completion of system initialization."

Claim 20 distinguishes over Tamura in which the two operating systems discussed are not both stored in ROM. Rather, in Tamura one of the operating systems is stored on a floppy disk (secondary storage unit). It is well known that boot blocks are not run from a floppy disk. A boot block must be run before the computer system is even able to access a floppy disk drive. At least for this reason, claim 20 is allowable.

Claims 21-23 are patentable for at least the same reason as claim 20. Claim 21 further requires a third boot block which is not taught or suggested by any art of record. Claim 22 specifies clarifies that control passes to an operating system after completion of execution of either of the first or second boot blocks. Claim 23 clarifies that "ROM" in claim 20 includes various types of ROM such as PROM, EEPROM and flash ROM.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining

117024.01/1662.34000   Page 7 of 8

Appl. No.:   09/751,187
Amdt. dated January 20, 2004
Reply to Office action of November 7, 2003

the patentability of the claims. Moreover, it should be understood that there may
be other distinctions between the claims and the prior art which have yet to be
raised, but which may be raised in the future.

Applicants respectfully request that a timely Notice of Allowance be issued
in this case. If any fees or time extensions are inadvertently omitted or if any fees
have been overpaid, please appropriately charge or credit those fees to Hewlett-
Packard Company Deposit Account Number 08-2025 and enter any time
extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400